

The Burger Court Opinion Writing Database

Chemehuevi Tribe v. FPC

420 U.S. 395 (1975)

Paul J. Wahlbeck, George Washington University
James F. Spriggs, II, Washington University in St. Louis
Forrest Maltzman, George Washington University



✓
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
THE CHIEF JUSTICE

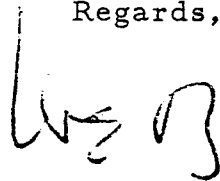
February 21, 1975

Re: (73-1380 - Chemehuevi Tribe of Indians v. FPC
(73-1666 - Arizona PSC v. Chemehuevi Tribe of Indians
(73-1667 - FPC v. Chemehuevi Tribe of Indians

Dear Potter:

I join in your opinion dated February 13, 1975.

Regards,



Mr. Justice Stewart

Copies to the Conference

THE COLLECTIONS OF THE MANUSCRIPT DIVISION, LIBRARY OF CONGRESS

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WM. J. BRENNAN, JR.

February 18, 1975

RE: Nos. 73-1380, 73-1666, and 73-1667
Chemehuevi Tribe of Indians, et al. v. Federal
Power Commission, Arizona Public Service Co., et al.

Dear Potter:

I was the other way but you persuade me and I join.

Sincerely,



Mr. Justice Stewart

cc: The Conference

To: The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
~~Mr. Justice Marshall~~
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Stewart, J.

Circulated: FEB 12 1975

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1st DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1380, 73-1666, AND 73-1667

Chemehuevi Tribe of Indians
et al., Petitioners,
73-1380 v.
Federal Power Commission
et al.

Arizona Public Service Com-
pany et al., Petitioners,
73-1666 v.
Chemehuevi Tribe of Indians
et al.

Federal Power Commission,
Petitioner,
73-1667 v.
Chemehuevi Tribe of Indians
et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Dis-
trict of Columbia Cir-
cuit.

[February —, 1975]

Mr. Justice Stewart delivered the opinion of the Court.

In these three cases we review a single judgment of the Court of Appeals for the District of Columbia Circuit to determine whether thermal-electric power generating plants that draw cooling water from navigable streams are subject to the licensing jurisdiction of the Federal Power Commission under Part I of the Federal Power Act, 16 U.S.C. §§ 791a-823.

I

On September 20, 1971, two Indian tribes, five indi-

STYLISTIC CHANGES THROUGHOUT.

The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
~~Mr. Justice Marshall~~
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

From: Stewart, J.

Circulated: _____

Recirculated: FEB 13 1975

2nd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1380, 73-1666, AND 73-1667

Chemehuevi Tribe of Indians,
et al., Petitioners,
73-1380 v.
Federal Power Commission
et al.

Arizona Public Service Com-
pany et al., Petitioners,
73-1666 v.
Chemehuevi Tribe of Indians
et al.

Federal Power Commission,
Petitioner,
73-1667 v.
Chemehuevi Tribe of Indians
et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Dis-
trict of Columbia Cir-
cuit.

[February —, 1975]

MR. JUSTICE STEWART delivered the opinion of the Court.

In these three cases we review a single judgment of the Court of Appeals for the District of Columbia Circuit, to determine whether thermal-electric power generating plants that draw cooling water from navigable streams are subject to the licensing jurisdiction of the Federal Power Commission under Part I of the Federal Power Act 16 U.S.C. §§ 791a-823.

I

On September 28, 1971, two Indian tribes, five indi-

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STYLISTIC CHANGES THROUGHOUT.

P 29

for The Chief Justice
Mr. Justice Douglas
Mr. Justice Brennan
Mr. Justice White
~~Mr. Justice Marshall~~
Mr. Justice Blackmun
Mr. Justice Powell
Mr. Justice Rehnquist

Mr. Stewart, J.

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3rd DRAFT

SUPREME COURT OF THE UNITED STATES

Nos. 73-1380, 73-1666, AND 73-1667

Chemehuevi Tribe of Indians
et al., Petitioners,
73-1380 v.
Federal Power Commission
et al.

Arizona Public Service Com-
pany et al., Petitioners,
73-1666 v.
Chemehuevi Tribe of Indians
et al.

Federal Power Commission,
Petitioner,
73-1667 v.
Chemehuevi Tribe of Indians
et al.

On Writ of Certiorari to
the United States Court
of Appeals for the Dis-
trict of Columbia Cir-
cuit.

[February —, 1975]

MR. JUSTICE STEWART delivered the opinion of the Court.

In these three cases we review a single judgment of the Court of Appeals for the District of Columbia Circuit, to determine whether thermal-electric power generating plants that draw cooling water from navigable streams are subject to the licensing jurisdiction of the Federal Power Commission under Part I of the Federal Power Act, 16 U.S.C. §§ 791a-823.

I

On September 20, 1971, two Indian tribes, five indi-

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Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE BYRON R. WHITE

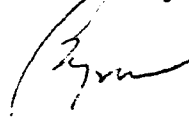
February 14, 1975

Re: Nos. 73-1380, 73-1666 & 73-1667 -
Chemehuevi Tribe of Indians v. FPC

Dear Potter:

Please join me.

Sincerely,



Mr. Justice Stewart

Copies to Conference

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE THURGOOD MARSHALL

February 27, 1975

Re: Nos. 73-1380, 73-1666 and 73-1667 -- Chemehuevi
Tribe of Indians et al. v. Federal Power Commission;
Arizona Public Service Company et al. v. Chemehuevi
Tribe of Indians; Federal Power Commission v.
Chemehuevi Tribe of Indians.

Dear Potter:

Please join me.

Sincerely,


T.M.

Mr. Justice Stewart

cc: The Conference

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Supreme Court of the United States
Washington, D. C. 20543

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CHAMBERS OF
JUSTICE HARRY A. BLACKMUN

February 18, 1975

Re: No. 73-1380 - Chemehuevi Tribe v. FPC
No. 73-1666 - Arizona Public Service Co.
Chemehuevi Tribe
No. 73-1667 - FPC v. Chemehuevi Tribe of Indians

Dear Potter:

Please join me.

Sincerely,

H. A. B.

Mr. Justice Stewart

cc: The Conference

✓
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE LEWIS F. POWELL, JR.

February 13, 1975

No. 73-1380 Chemehuevi Tribe v. FPC
No. 73-1666 Arizona Public Service Commission
v. Chemehuevi Tribe
No. 73-1667 FPC v. Chemehuevi Tribe

Dear Potter:

Please join me.

Sincerely,

Lewis

Mr. Justice Stewart

lfp/ss

cc: The Conference

✓
Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE WILLIAM H. REHNQUIST

February 13, 1975

Re: Nos. 73-1380, 73-1666, and 73-1667 - Chemehuevi
Tribe of Indians v. FPC

Dear Potter:

Please join me.

Sincerely,
WM

Mr. Justice Stewart

Copies to the Conference